

Title 272 - NEBRASKA STATE PATROL

Rules and Regulations

Chapter 19 - Sexual Offender Registration

001 SCOPE AND PURPOSE

001.01 These regulations are to implement the Sex Offender Registration Act pursuant to section 29-4013 R.R.S. 1943 of the Nebraska statutes. The Nebraska act was passed in compliance with the federal mandate in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994, as amended. The general objective of this act is to protect people from child molesters and violent sex offenders through registration requirements.

002 DEFINITIONS

002.01 "Listed offense" shall mean the offenses listed in section 003.01 of these regulations which are the same as those listed in section 29-4003 R.R.S. 1943.

002.02 "Mental abnormality" shall mean a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of a criminal sexual act to a degree that makes the person a menace to the health and safety of other persons.

002.03 "Minor" shall mean a person below the age of eighteen (18).

002.04 "Nebraska State Patrol" shall mean the State Headquarters Office of the State Patrol, P.O. Box 94907, Lincoln, Nebraska 68509.

002.05 "Other jurisdiction of the United States" shall mean any federal court, tribal court, or any military court of the United States.

002.06 "Person" shall mean an individual subject to the registration requirements and does not include corporations or other entities as the term is sometimes used in the legal sense.

002.07 APersonality disorder@ shall mean an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has an onset in adolescence or early childhood, is stable over time, and leads to distress or impairment.

002.08 "Sexually violent offender" shall mean a person determined by a court to be a sexually violent offender at the time of sentencing for one of the listed offenses. The judge will determine whether this is a person "who suffers from a mental abnormality or personality disorder that makes the person likely to engage in sexually violent offenses directed at a stranger or at a person with whom a relationship has been established or promoted, for the primary purpose of victimization." This term means the same as "sexually violent predator" which is the term used in federal acts and the statutes of most other states. A person determined to be a sexually violent predator in a federal jurisdiction or in another state will be classified as a sexually violent offender in Nebraska.

002.09 "Substantially equivalent offense" shall mean a criminal offense from another state, territory, commonwealth or federal jurisdiction which has the same basic elements as one of the Nebraska listed offenses.

002.10 "Temporary domicile" shall mean a place at which the person actually lives even though on a temporary basis and even though they may plan to return to their permanent domicile or to another temporary domicile. For purposes of this regulation, a temporary domicile is any place in which the person lives for a period of five (5) days or more.

002.11 "The Act" shall mean the Sex Offender Registration Act found in the statutes of Nebraska in sections 29-4001 through 29-4013 R.R.S. 1943.

002.12 "Working days" shall mean Monday through Friday but shall not include any day which is a state holiday. State Holidays are: New Years Day, Martin

Luther King, Jr. Day, President's Day, Arbor Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day.

002.13 ALaw enforcement agency@ shall mean a recognized police department, sheriff's office or the Nebraska State Patrol having an assigned originating agency identifier (ORI) issued by the Federal Bureau of Investigation.

003 APPLICABILITY

003.01 The registration requirement applies only to those persons who have plead guilty or been found guilty of one of the following offenses (referred to elsewhere as Alisted offenses@):

- 003.01A Kidnapping pursuant to section 28-313, R.R.S. 1943 when the victim is a minor, except when the person is the parent of the minor and was not convicted of any of the below listed offenses;
- 003.01B False imprisonment pursuant to section 28-314 or section 28-315, R.R.S. 1943 when the victim is a minor;
- 003.01C Sexual assault in the first, second or third degree pursuant to section 28-319 or 28-320, R.R.S. 1943;
- 003.01D Sexual assault of a child pursuant to section 28-320.01, R.R.S. 1943 (where the victim is 14 years old or younger);
- 003.01E Sexual assault of a vulnerable adult pursuant to subdivision (1)(c) of section 28-386 R.R.S. 1943;
- 003.01F Incest of a minor pursuant to section 28-703 R.R.S. 1943;
- 003.01G Pandering of a minor pursuant to section 28-802 R.R.S. 1943 (inducing a minor to be a prostitute);
- 003.01H Visual depiction of sexually explicit conduct of a child pursuant to section 28-1463.03 or section 28-1463.05 R.R.S. 1943 (child pornography); or

003.01I Attempt, solicitation, or conspiracy to commit any of the listed offenses.

003.02 The registration requirement applies to a person who:

003.02A Pleads guilty or is found guilty of one of the listed offenses on or after January 1, 1997;

003.02B Is incarcerated in a jail or other penal facility on January 1, 1997 as a result of pleading guilty or being found guilty of one of the listed offenses prior to January 1, 1997, however, this person does not have to register until release from incarceration;

003.02C Is incarcerated in a public or private institution on January 1, 1997 as a result of pleading guilty or being found guilty of one of the listed offenses prior to January 1, 1997; however, this person does not have to register until release from incarceration;

003.02D Is on probation or parole on January 1, 1997 as a result of pleading guilty or being found guilty of one of the listed offenses prior to January 1, 1997;

003.02E Enters the state of Nebraska having pleaded guilty or been found guilty of any offense or having been released from incarceration, probation or parole for any offense in another state, territory, commonwealth or other jurisdiction of the United States within the ten (10) years preceding January 1, 1997 or any date thereafter that is substantially equivalent to the listed offenses; or

003.02F Enters the state of Nebraska having been registered at any time as a "sexually violent offender" or "sexually violent predator" in another state, territory, commonwealth or other jurisdiction of the United States.

003.03 Persons convicted of violations of the kidnapping statute, section 28-313 R.R.S.1943, or the false imprisonment of a minor statutes, sections 28-314 and 28-315 R.R.S.1943 will be required to register only if the sentencing judge determines, at the time of sentencing, that the facts of the case are

such that the person will be subject to the Sex Offender Registration Act.

003.04 Persons shall be considered incarcerated on January 1, 1997 even though they may not be physically present in the incarcerating facility due to a temporary furlough, community furlough, house arrest or administrative leave.

003.05 Juveniles are not required to register unless they are tried as adults and either plead guilty or are found guilty. An adjudication of delinquency is not the same as a conviction in adult court even though the conduct on which the adjudication is based would have required registration if the person was tried as an adult.

003.06 The registration requirement does not apply to a person who:

003.06A Is convicted of any offense other than those listed above or the substantial equivalent (if the conviction is in a jurisdiction other than Nebraska);

003.06B Is convicted before January 1, 1997 but is not in any penal facility or jail, public or private institution, or on probation or parole for such offense on January 1, 1997; or

003.06C Is a juvenile adjudicated "delinquent" or "in need of special supervision" by the juvenile courts;

003.06D Is currently incarcerated for one of the listed offenses while he or she is so incarcerated. This person will be required to register upon release from incarceration;

003.06E Is found Not Guilty by Reason of Insanity, is acquitted, or is placed in pre-trial diversion (without a guilty plea or finding of guilt) for any of the listed offenses.

003.07 Persons who are required to register must continue to comply with the Act for a period of ten (10) years after the date of discharge from probation, parole or release from incarceration, whichever date is the most recent.

003.08 Persons who are determined by the sentencing court to be Sexually Violent Offenders are required to comply with the Act until the sentencing court determines that the person no longer suffers from a mental abnormality or

personality disorder that makes the person likely to engage in a sexually violent offense. This determination shall not be made until at least ten (10) years after the date of discharge from probation, parole, or release from incarceration, whichever date is most recent.

004 REQUEST FOR DETERMINATION OF APPLICABILITY

004.01 The Nebraska registration statutes require registration only upon criminal conviction of one of the listed offenses. Other states may have much more broadly-based registration requirements. For example, some states require registration when the person is "found to have committed" an offense but is not convicted due to insanity, incompetency or other procedural grounds and, in at least one state, even if found responsible for a sexual offense in a civil trial. States may also require a person to register for juvenile offenses, crimes committed before the effective date of the Nebraska statute, or for crimes which differ from the crime listed in Nebraska (e.g., kidnapping by a parent).

004.02 Any person may request a determination of applicability of the Nebraska registration program. Such a request must be addressed to the Nebraska State Patrol, Sex Offender Registration Program, P.O. Box 94907, Lincoln, Nebraska 68509. The request must include:

004.02A Name, date of birth, address and phone number of the requestor;

004.02B Description of the criminal act(s) which are the subject of the inquiry. This must be specific as to the crime of which the individual was convicted and the state in which convicted;

004.02C Court action on the offense(s) to include: name of the court; location of the court; date of the action; nature of disposition of the case; and the name of some prosecutorial or court official who will be able to verify this information.

004.03 An administrative determination will be made and the requesting individual advised of this decision in writing within thirty (30) days of the request. An individual not satisfied with the administrative determination of applicability of the program to their situation can file an appeal to the Superintendent of Public Safety and request a formal determination under

the Administrative Procedures Act. Appeals from Administrative Procedures Act determinations can be filed in the Lancaster County District Court. Persons receiving an adverse administrative determination can also utilize the expungement procedure set forth in a later section of these regulations.

004.04 Requesting a determination of the applicability of the registration program does not extend the time limits for registering and does not relieve the individual of the duty to register. If an individual has registered and a determination is made that registration is not required, the information will be removed from the registry and the individual so notified.

005 NOTIFICATION REQUIREMENTS

005.01 Sentencing courts shall provide written notification of the duty to register at the time of sentencing to persons having pleaded guilty or been found guilty of one of the listed offenses. The form to be used has been prepared by the Attorney General. The notification shall be signed by the person and a copy provided to the County Attorney, the Nebraska State Patrol, the Sheriff in the county listed as the offender's future domicile, and the defendant.

005.02 The Department of Correctional Services shall provide written notification of the duty to register to any person committed to its custody for a listed offense. The notification shall be signed by the person prior to the person's release. A copy of the notification shall be provided to the Nebraska State Patrol and to the person provided the notification. A copy shall also be provided to the Sheriff in the county listed as the offender's future domicile. The form to be used has been prepared by the Attorney General.

005.03 The Department of Motor Vehicles shall place a notice on all motor vehicle operator license applications starting January 1, 1997 which will inform applicants of the duty to register. Such notice shall be in a form approved by the Attorney General.

005.04 Refusal to sign the notification form by a person required to register under the Act is a violation of the Act. Refusal to sign the notification form by a person not required to register under the Act is a violation of these regulations.

Violations of the Act and of these regulations may subject the person to criminal prosecution as specified in Sections 012.02 and 012.03. If a person receiving a notification form refuses to sign the form, that fact shall be noted on the form by the individual providing the notification. Copies shall be made available as specified above.

006 REGISTRATION PROCEDURE

006.01 Persons to whom the registration requirements apply shall register with the county Sheriff in the county in which they reside or are temporarily domiciled.

006.02 Registration must be completed within five (5) working days of becoming subject to the act. A person becomes subject to the act by being sentenced for one of the listed offenses, by being released from incarceration for one of the listed offenses in a penal facility or a private or public institution, or by entering the state having been convicted in another state of one of the listed offenses or a substantially equivalent offense.

006.03 If a person subject to the registration requirement is sentenced to a jail or other penal facility, registration is not required during the period of incarceration. Registration will, however, be required if such person is not incarcerated while pending an appeal.

006.04 Persons placed on probation or parole are required to register during the period of probation or parole and for a period of ten (10) years after discharge from probation or parole.

006.05 The five (5) day registration requirement shall not begin until sentencing. This is the point at which the person first receives notice of the registration requirement. While it might appear that a person going through a criminal prosecution technically becomes subject to the act at the time of pleading guilty or being found guilty of one of the listed offenses, a requirement to register at that time is impractical. The sentencing court must determine whether the person will be subject to the registration requirement for convictions of section 28-313, 28-314, or 28-315 R.R.S. 1943. It is also at this point that the sentencing court makes a determination as to whether the person is a "sexually violent offender.@ Registration prior to sentencing would impose an unnecessary burden.

006.06 Registration shall be on a form approved by the Nebraska State Patrol. The form

shall include the following information:

- 006.06A Name and all aliases the person has ever used or by which they have been known;
- 006.06B Complete description of the person; including:
 - 006.06B1 Date of birth;
 - 006.06B2 Social security number(s);
 - 006.06B3 Current photograph;
 - 006.06B4 Fingerprints - two new sets of prints must be rolled.
- 006.06C A list of each of the listed offenses to which the person has pleaded guilty or was found guilty;
 - 006.06C1 The jurisdiction (place) where each offense was committed;
 - 006.06C2 The court in which the person pleaded guilty or was found guilty for each listed offense;
 - 006.06C3 The name under which the person pleaded guilty or was found guilty - ie. any alias used;
 - 006.06C4 The name and location of each jail, penal facility, or public or private institution to which the person was incarcerated for each offense and the actual time served or confined;
- 006.06D Listing of any treatment received for a mental abnormality or personality disorder.
- 006.06E Prior registrations. If the person has been registered as a Sex Offender in another state, the dates and jurisdiction as well as nature of the registration (such as Violent Sexual Predator) must be shown.
- 006.06F Current residence.

006.06G Place of employment.

006.06H Contact with groups of children or women. Here offenders must list any schools with which there is an affiliation either as a student or employee, as well as contacts they may have with other groups of women or young people such as Boy/Girl Scouts, day care centers, recreational centers, youth sports programs, etc.

006.06I A copy of the parole or probation orders issued to the registering offender, if any, are to be included with the form.

006.07 Persons required to register must furnish all pertinent information and documents to the sheriff. In order to assure legibility and completeness, each sheriff shall then complete the registration form by asking the individual for the pertinent information and filling in the information rather than asking the offender to fill out the form. The form must then be signed by the offender who is registering. Offenders should be asked for a photo identification card or some positive form of identification to help insure that the individual is providing accurate information.

006.08 Each sheriff shall forward the following information pertaining to sexual offender registrations to the Nebraska State Patrol within five (5) working days:

006.08A All written information including the registration form, a copy of the notification form given to the registrant if one was completed, a copy of any parole or probation orders issued to the offender, and any other information which would help in identifying any risks this particular individual may pose to the safety of the public;

006.08B Photographs. A new photograph of the person is to be taken for submission with the registration. This can be of the Polaroid type or a standard photo. Old file photos will not suffice but may be included with a current photograph;

006.08C Fingerprints. Two new sets of fingerprints must be obtained from the individual registering (on a standard arrest fingerprint card also known as a 10 print card).

006.09 The Nebraska State Patrol shall maintain a central registry of sex offenders required to register pursuant to statute. The State Patrol shall immediately transmit conviction data and fingerprints to the Federal Bureau of Investigation.

007 REGISTRATION FEES

007.01 Persons registering under this Act may not be charged a fee for registering or for the fingerprints and photographs required for registering.

007.02 Each governmental entity having responsibilities under the Act or these regulations shall be responsible for the costs incurred in performing their required duties.

008 CHANGE OF ADDRESS

008.01 A person registered under the Sex Offender Registration Act who changes his or her address must inform in writing the sheriff of the county in which he or she is currently registered of the new address within five (5) working days of obtaining the new address. The change of address form shall be approved by the Nebraska State Patrol and a copy shall be provided by the sheriff to the State Patrol as well as the sheriff (or designated state agency in another state) of the new place of residence.

008.02 In addition to providing the sheriff with whom the person last registered a written change of address, a person registered under this Act must register with the sheriff in the new county to which the move is made within five (5) working days.

008.03 The change of address form and re-registration requirements apply not only to permanent changes of address, but also to a change of temporary domicile.

008.04 If a registered person moves out of the State of Nebraska, a new registration must be made with the designated state agency in the new state of residence. A list of designated state agencies shall be maintained by the Nebraska State Patrol.

009 VERIFICATION PROCEDURE

009.01 Annually, within thirty (30) days after the anniversary date of the person's initial

registration date, the Nebraska State Patrol shall verify the registration information of each person registered in the central registry.

009.01A A nonforwardable verification form shall be sent to the last-reported address of the person registered.

009.01B The person registered shall sign the form after indicating whether or not the address listed is still the correct address for the person's residence and updating any other registration information. The form shall be returned to the Nebraska State Patrol within ten (10) days of receipt of the form.

009.01C Failure to complete and mail the form is a violation of the statute unless the person can prove that the address reported in the current registration is still correct.

009.01D If the person registered has been determined by the sentencing court to be a Sexually Violent Offender, the registration information shall be verified every three (3) months after initial registration.

009.02 Any changes in registration information obtained by the Nebraska State Patrol through the verification procedure shall be provided to the sheriff in the affected county or counties.

009.03 Local law enforcement agencies are requested, but not required, to periodically verify that the registrant is still living at the listed address.

010 RETENTION OF INFORMATION IN THE CENTRAL REGISTRY

010.01 Registration information shall be retained in the central registry until the registered person is deceased or there is a court order to expunge registry information. The registry information shall be retained even though the person registered no longer has a duty to keep the information current.

010.02 Any person registered in the central registry may petition the district court of the county in which they were convicted, or the county of residence for a person convicted in another state, for an order expunging the registration information. The county attorney shall be named as the respondent and

shall be served a copy of the petition. If the court finds that the petitioner's duty to register has expired, that there are no criminal charges pending against a petitioner, that petitioner is not under investigation for one of the listed offenses, and that petitioner is not a substantial risk to commit another of the listed offenses, the court may issue an order to expunge the registration information. A copy of such order shall be provided to the sheriff of any county where the petitioner has resided during the registration period and to the Nebraska State Patrol.

010.03 Expungement of the registration information affects only information held by sheriffs and the central registry for sex offenders at the Nebraska State Patrol. Criminal history information maintained by law enforcement agencies concerning the underlying offenses is not affected by this expungement order except that any notation on criminal history records pertaining to sexual offender registration shall be removed.

011 RESTRICTED ACCESS TO REGISTRY INFORMATION

011.01 Information obtained under the Sex Offender Registration Act is restricted and shall be provided only to law enforcement agencies, governmental agencies conducting confidential background checks, and as necessary to protect the public as provided herein.

011.02 Registration information disclosed for law enforcement purposes shall be treated as confidential by law enforcement agencies and shall not be considered public record information.

012 CLASSIFICATION OF REGISTRANTS BY RISK LEVEL

012.01 The State Patrol shall assess the risk of recidivism for each person registered as a sex offender. Offenders shall be placed into a classification as a Level 1, Level 2, or Level 3 offender.

012.01A Level 1 indicates that the risk of recidivism is low and there is no need for notification to protect the public.

012.01B Level 2 indicates that the risk of recidivism is moderate and that there should be notification of particular vulnerable constituencies in

the interest of public safety.

012.01C Level 3 indicates that the risk of recidivism is high and requires notification of a much wider group of citizens in the interest of public safety.

012.02 The factors used to assess the risk of recidivism shall be incorporated in a risk assessment instrument. All offenders in the registry shall be evaluated using the risk assessment instrument based upon all records and data available concerning the offender.

012.03 Factors which minimize the risk of recidivism shall include:

012.03A Conditions of release such as supervised probation or parole;

012.03B Counseling, therapy or treatment following release;

012.03C Physical conditions such as advanced age or debilitating illness;

012.04 Factors which may increase the risk of recidivism shall include:

012.04A Criminal history of the offender;

012.04B Repetitive or compulsive behavior including the number of sex related charges and convictions and offenses committed while confined or on supervised release;

012.04C Age of the victim;

012.04D Age at which the offender was first charged with a sex offense;

012.04E Relationship of the offender to the victim;

- 012.04F Convictions for sex offenses in jurisdictions other than Nebraska;
- 012.04G Control of the victim through the threat or use of weapons, force or violence or the infliction of serious injury;
- 012.04H Indications of a risk of recidivism in psychological or psychiatric profiles;
- 012.04I The offender's response to treatment;
- 012.04J Behavior of the offender while confined.
- 012.05 Certain factors are, in and of themselves, indicative of a high risk of recidivism and will always result in a Level 3 classification. These factors are:
- 012.05A Torture or mutilation of the victim or the infliction of death;
- 012.05B Abduction and forcible transportation of the victim to another location;
- 012.05C Threats to re-offend sexually or violently;
- 012.05D Recent clinical assessment of dangerousness.
- 012.06 Since it may not be possible to obtain all records on all offenders, particularly those involving offenses in other states, the risk assessment instrument shall be designed so as not to penalize the offender if records are not available.

013

RELEASE OF INFORMATION TO THE COMMUNITY

013.01 Information concerning sex offenders shall be released to the community based upon the assessment of risk that the offender will commit further sex offenses. Under no circumstances shall the name of, or any other identifying information about, the victim of a sex offense be disclosed in any release of sex offender registration data.

013.02 Level 1 - For sex offenders classified as Level 1 offenders, notification shall be provided only to law enforcement agencies likely to encounter the sex offender. Notifications to law enforcement agencies shall be made by the State Patrol either by mailing copies of the data to the agencies or by sending a phone or electronic message requesting the agency to access data over a secure computerized system. The sex offender registry information provided for Level 1 notifications is not to be released to the public.

013.03 Level 2 - For sex offenders classified as Level 2 offenders, notification shall be provided to law enforcement agencies as well as schools, day care centers, and religious and youth organizations likely to encounter the sex offender. Notifications shall be made to those groups in the affected area having expressed interest in receiving such notifications. The affected area shall be defined as the county in which the offender resides or expects to reside upon release from incarceration. These notifications will be made by phone, electronic message or mail by the Nebraska State Patrol or local law enforcement officers. Because it is difficult to identify all of the groups that may be entitled to notification for Level 2 offenders, a public information effort will be conducted by the State Patrol to inform these groups that they must request to be included on the notification list. This list will be verified annually in order to insure accuracy. The information provided for Level 2 notifications is to be used only for the protection of the receiving entity and is not to be further disseminated to the public.

013.04 Level 3 - For sex offenders classified as Level 3 offenders, notification shall be provided to all Level 1 and Level 2 recipients as well as members of the public likely to encounter the sex offender. Nebraska State Patrol shall provide initial Level 3 notifications by making news releases directed to

media within the state. Additional news releases, community meetings or direct contact with neighbors may be utilized by local law enforcement agencies to provide notice in addition to the State Patrol news release. The information provided for Level 3 notifications may be further disseminated by those receiving the information. The information contained in Level 3 news releases will also be available to persons making an inquiry about a specific individual at the Sex Offense Registry office or sheriff's office.

013.05 The information to be released in making these notifications shall include name, photograph, physical description and the offense or offenses which required the individual to register as a sex offender. It may also include address, place of employment or schooling, and vehicle license number when deemed necessary for protection of the public. The information shall NOT include the name of the victim of the sex offense or any identifying information about the victim.

013.06 When technically feasible, information such as the photograph of the offender will be accessible on an electronic database. Access to this data will be restricted based upon the risk level assigned to the offender.

013.07 Notwithstanding the notification process outlined above, law enforcement agencies may provide public notification about an offender by whatever means are available and necessary if the offender is deemed to pose an immediate threat to public safety.

014 REQUEST FOR HEARING ON CLASSIFICATION

014.01 Registrants shall be notified of their classification as a Level 1, 2 or 3 offender by registered mail or personal contact. Registrants then have five (5) working days in which to notify the Sex Offender Registration Program in writing that they wish to have a hearing to contest the classification level assigned by the Nebraska State Patrol. A request shall be considered timely filed if placed in the United States mail, properly addressed to the Nebraska State

Patrol, Sex Offender Registration Program, P.O. Box 94907, Lincoln, Nebraska 68509, within five (5) working days of their notification of the classification.

014.02 If a hearing is requested, it shall be held pursuant to the Nebraska Administrative Procedures Act and the Nebraska State Patrol Rules and Regulations pertaining to administrative hearings (Title 272 - Chapter 1) . The scope of the hearing shall be limited to a review of the accuracy of the information used in making the classification assessment utilizing the factors set forth in section 012. The hearing shall not include a review of the psychological basis of the classification instrument but the offender may present information which challenges the application of the classification instrument and which has a bearing on the risk of recidivism. A decision shall be made by the Superintendent within ten (10) working days of the hearing. Appeals from the Superintendent's decision shall be filed in Lancaster County District Court in accordance with the procedures set forth in the Nebraska Administrative Procedures Act.

014.03 No community notification based upon classification levels shall be made until the hearing and any subsequent appeals are final or eight (8) working days have passed since the classification notification was mailed to the offender and no request for a hearing has been received, whichever is later.

015 RECLASSIFICATION

015.01 The classification of an offender may be reevaluated and changed to a higher or lower classification if new information is received that would appear to have a bearing on the risk of recidivism. In the event of a reclassification, a new classification notice shall be provided to the offender and the offender shall have the same rights to challenge the classification as they had under Section 014.01 on the original classification.

015.02 An offender may petition the State Patrol for a reevaluation of his or her classification based on new information or changed circumstances which

would influence the risk of recidivism. If a petition for reevaluation is received, the State Patrol shall reevaluate the assigned classification and give the offender notice of their actions. The offender shall then have the same rights to challenge the classification as he or she had under Section 014.01 on the original classification. An offender shall not petition for a reevaluation more often than once every twelve (12) months.

012016 ENFORCEMENT OF VIOLATIONS OF THE ACT

016.01 Violations of the Act include: failure to register as required; failure to make proper notification of change of an address; failure to sign the notification form provided by the court, the County Treasurer, the Department of Correctional Services, or the Department of Motor Vehicles; failure to complete and return the verification form within the prescribed time limits; and providing false information on the registration or verification forms. Only persons required to register under the Act can be prosecuted for violation of the Act.

016.02 Any person required to register under the Sex Offender Registration Act who violates the Act is guilty of a Class IV felony unless the act which caused the person to be required to register was a misdemeanor, in which case a violation of the Act or these regulations is a misdemeanor of the same class as the original sexual offense.

016.03 A violation of these regulations is an infraction as set forth in Neb. Rev. Stat. ' 29-431. The penalty set out in Neb. Rev. Stat. ' 29-436 is fine of \$100 for the first offense and up to \$500 for subsequent offenses. Both persons who are required to register under the Act and persons who are not required to register under the Act can be prosecuted for violation of the regulations.

016.04 Any law enforcement agency, court, or state agency finding evidence of violations of the Act or these regulations may take any authorized law enforcement action and shall forward the information for prosecution to the County Attorney for the county in which the violation occurred.

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 19

NEBRASKA STATE PATROL

Sexual Offender Registration

Issue Date: January 14, 2000

NEBRASKA ADMINISTRATIVE CODE

TITLE 272 NAC 19

ALPHABETICAL TABLE OF CONTENTS

<u>Subject or Title</u>	<u>Statutory Authority</u>	<u>Code Section</u>
Applicability	Neb. Rev. Stat. ' 29-4003	003
Change of Address	Neb. Rev. Stat. ' 29-4004	008
Classification of Registrants by Risk Level	Neb. Rev. Stat. ' 29-4013	013
Definitions	Neb. Rev. Stat. ' 29-4013	002
Enforcement of Violations of the Act	Neb. Rev. Stat. ' 29-4011	016
Notification Procedure	Neb. Rev. Stat. ' 29-4007	005
Reclassification	Neb. Rev. Stat. ' 29-4013	015
Registration Fees	Neb. Rev. Stat. ' 29-4013	007
Registration Procedure	Neb. Rev. Stat. ' ' 29-4004, 29-4005 & 29-4006	006
Release of Information	Neb. Rev. Stat. ' 29-4013	013
Request for Determination of Applicability	Neb. Rev. Stat. ' 29-4003 & 29-4013	004
Request for Hearing	Neb. Rev. Stat. ' 29-4013	014
Restricted Access to	Neb. Rev. Stat. ' 29-4009	011

Registry Information Retention of Information in the Central Registry	Neb. Rev. Stat. ' 29-4010	010
Scope and Purpose	Neb. Rev. Stat. ' 29-4002	001
Verification Procedure	Neb. Rev. Stat. ' 29-4006	009

NEBRASKA ADMINISTRATIVE CODE

TITLE 272 NAC 19

NUMERICAL TABLE OF CONTENTS

<u>Subject or Title</u>	<u>Statutory Authority</u>	<u>Code Section</u>
Scope and Purpose	Neb. Rev. Stat. ' 29-4002	001
Definitions	Neb. Rev. Stat. ' 29-4013	002
Applicability	Neb. Rev. Stat. ' 29-4003	003
Request for Determination of Applicability	Neb. Rev. Stat. ' 29-4003 & 29-4013	004
Notification Procedure	Neb. Rev. Stat. ' 29-4007	005
Registration Procedure	Neb. Rev. Stat. ' ' 29-4004, 29-4005 & 29-4006	006
Registration Fees	Neb. Rev. Stat. ' 29-4013	007
Change of Address	Neb. Rev. Stat. ' 29-4004	008
Verification Procedure	Neb. Rev. Stat. ' 29-4006	009
Retention of Information in the Central Registry	Neb. Rev. Stat. ' 29-4010	010
Restricted Access to Registry Information	Neb. Rev. Stat. ' 29-4009	011
Classification of Registrants by Risk Level	Neb. Rev. Stat. ' 29-4013	012
Release of Information	Neb. Rev. Stat. ' 29-4013	013

to the Community Request for Hearing	Neb. Rev. Stat. ' 29-4013	014
Reclassification	Neb. Rev. Stat. ' 29-4013	015
Enforcement of Violations of the Act	Neb. Rev. Stat. ' 29-4011	016